

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Panchayats –Gram Panchayat – W.P. No. 24126 of 2009 filed by Sri Dasari Naganna, Sarpanch, Payasampalli Gram Panchayat, Veerapunayuni Palli Mandal, Kadapa District - Against the disallowed orders – Hearing held on 18.1.2010 – Disallowed – Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.II A) DEPARTMENT

G.O.Rt.No. 219

Dated: 23-02-2010.

Read the following:-

1. From the District Collector, Kadapa District, dt.13.10.2008.
2. R.P. filed by Sri Dasari Naganna, Sarpanch (U/s) Payasampalli Gram Panchayat, Veerapunayuni Palli (M), Kadapa District dt. 7.1.2009.
3. Govt.Memo.No. 719/Pts.II-A/09-1, dt. 17.1.2009.
4. G.O.Rt.No. 1487, PR&RD (Pts.II-A) Dept., dt. 20.10.2009.
5. From the High Court of A.P. Order on W.P.No. 24126/2009, dt. 11.11.2009.

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O R D E R:

In the reference 1st read above, the District Collector, Kadapa District has suspended Sri Dasari Naganna from the post of Sarpanch of Payasampalli Gram Panchayat, Veerapunayuni Palli Mandal, Kadapa District under Section 249 (1) of APPR Act 1994 for misappropriation and misuse of Gram Panchayat funds.

2. Aggrieved by the said orders, Sri Dasari Naganna, Sarpanch (U/s), Payasampalli Gram Panchayat, Veerapunayuni Palli Mandal, Kadapa District has filed a Revision Petition before the Government on 7.1.2009 requesting to stay the operation of the orders of District Collector, Kadapa bearing Rc.No. 2294/2008-2, dt. 13.10.2008.

3. In the reference 3rd read above, while granting stay against the proceedings of the District Collector (PW), Kadapa dated:13.10.08 and requested the District Collector (PW), Kadapa to furnish his specific remarks in the matter.

4. The case was heard on 30.06.2009, 11.8.2009 and 1.10.2009 after detailed examination of the case, the Revision petition filed by Sri Dasari Naganna Sarpanch (U/s), Payasampalli Gram Panchayat, Veerapunayuni Palli Mandal, Kadapa District was disallowed duly vacating the stay orders vide G.O.Rt.No.1487, Panchayat Raj & Rural Development (Pts.II-A) Department, dated.20.10.2009 read above.

5. Aggrieved by the said order, Sri.Dasari Naganna, Payasampalli Gram Panchayat, Veerapunayuni Palli Mandal, Kadapa District has filed W.P.No. 24126/2009 in the Hon'ble High Court of A.P. Hyderabad and the High Court in its order dt. 11.1.2009 has set aside the impugned order and the remitted matter to the 1st respondent to dispose of the Revision within the period of four weeks from the date of receipt of this order. Till appropriate orders are made in the Revision by the 1st respondent, let the petitioner be continued as Sarpanch. Accordingly the High Court allowed the Writ Petition.

6. As per the directions of the Hon'ble High Court, the case was heard on 18.1.2010. The District Panchayat Officer, Kadapa, APO and Sarpanch have attended the hearing. The Sarpanch has stated that he is not involved in the misappropriation of NREGP funds and the orders of the Collector in suspending him are not justifiable.

7. As a matter of fact, it is the responsibility of the Sarpanch, being the head of the Gram Panchayat and the village, to see that the implementation of the NREGS is successfully carried out of the benefit of the poorest of the poor. As per the NREGS, the Gram Panchayat has to plan and select 75% of works and monitor

the implementation of the scheme at the village level. It is the responsibility of the Gram Panchayat to register the households seeking the wage employment, to issue job cards and to assess the labour demand. In the present case, from the stage of selection of beneficiaries all the employees viz., Field Assistant, Panchayat Secretary, Technical Assistant, Assistant Project Officer and MPDO and also the Sarpanch have wrongly

(p.t.o)

prepared the list of beneficiaries and with a malafide intention and swindled off the public money. It is evident from the Enquiry reports, that the Sarpanch has certified the list of SC and ST farmers to whose lands silt application is to be done. The Revenue records reveal that the SC farmers, who have been certified by the Sarpanches in fact don't have lands, and transportation for silt was actually not done, Sarpanch and other officials have colluded and drew the money.

8. Further, as seen from the Counter affidavit filed by the Collector before the Hon'ble High Court in W.P. No. 23867/2008, the MPDO and the Sarpanch have engaged the tractors for transportation of silt to the agricultural lands of the beneficiaries. The Sarpanch and MPDO have colluded and drawn the amounts as if the transportation of silt was done.

9. In order to have a perspective view of all the issues, the inspection report of the Chief Executive Officer, Kadapa has been called for in this regard.

10. The Chief Executive Officer, ZPP Kadapa in his inspection report dt. 7.8.2009 has stated that the payment process regarding transportation of silt was done against the NREGS rules. The amount was deposited to the Joint Account of Sarpanch/Technical Assistant intentionally and drawn with a view to be misused by the Sarpanch. They wrongly prepared the list of beneficiaries and got the acquittances with bogus names, repeated names, submerged and rastha lands. The extent of lands shown in the acquittance was higher than the actual land in SC farmers. In his findings the Enquiry Officer has finally concluded that the Sarpanch has done irregularity and misused the amount which was meant for the betterment of lives of the SCs/STs.

11. It is unbecoming of Sarpanch who is expected to maintain high standards in public life has stooped down to collude with officials in swindling the public money meant for the betterment of the SC/ST community.

12. On the face of allegations of misappropriation of public funds by a person holding public office, in collusion with officials, and as the material on record that there is no evidence for reconsideration of the action of the Collector in suspending the Sarpanch after hearing the Sarpanch and also after going through the record, the Revision Petition is rejected and consequently the orders of the High Court in W.P.No. 24216/2009 dt. 11.11.2009 that the Petitioner be continued as Sarpanch are deemed to have been vacated. The Collector Kadapa is directed to take further action in the matter by filing of criminal proceedings against the Sarpanch.

13. The District Collector (PW), Kadapa shall take further necessary action in this matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**R.SUBRAHMANYAM
PRINCIPAL SECREARY TO GOVERNMENT (I/c)**

To

The District Collector (PW), Kadapa District.

The District Panchayat Officer, Kadapa District.

Copy to:

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

Sri Dasari Naganna, Sarpanch, Payasampalli Village,
Veerapunayuni Palli Mandal, Kadapa District.

The O.S.D to Hon'ble Minister (PR).

The P.S. to Prl. Secretary to Government.

Law (A) Department.

The Government Pleader for PR & RD, High Court of Andhra Pradesh, Hyderabad.

SF/SC.

// FORWARDED:: BY ORDER//

SECTION OFFICER